

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

JENNIFER SHAH,

Defendant.

Case No. S4 1:19-cr-0833 (SHS)

**DEFENDANT JENNIFER SHAH'S PROPOSED
EXAMINATION OF PROSPECTIVE JURORS**

The defendant, JENNIFER SHAH, by and through her counsel, respectfully requests, pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure, that the Court include the following questions in its general *voir dire* of the jurors so that the defense may effectively exercise its challenges for cause and its peremptory challenges. Ms. Shah respectfully requests that the Court conduct more detailed questioning at sidebar or in the robing room if a prospective juror's answer suggests that further inquiry is appropriate.

Proposed Voir Dire Questions

1. Ms. Shah is charged with conspiring to commit wire fraud through a telemarketing scheme and conspiracy to commit money laundering. Do any of you believe that Ms. Shah must be guilty of something because she has been charged in this case?
2. Some people believe that the government never arrests an innocent person in a criminal case. Do any of you believe this to be true?
3. Do you, or any family members or close friends, work for law enforcement?
4. Do you believe it is possible for law enforcement officers to make mistakes?
5. Would you hold the testimony of a law enforcement professional in higher esteem simply because of his or her profession?

6. Have you, a family member, or close friend ever had a negative experience with law enforcement or the government? If yes, please explain.

7. Have you, any family member, or close friend ever been falsely accused of a crime? If yes, please explain.

8. Ms. Shah is presumed innocent, and the government has the burden of proving each element of the charged offenses beyond a reasonable doubt. Do any of you feel that there may be cases in which it is appropriate to find that the government has *not* proven its case beyond a reasonable doubt?

9. Ms. Shah has no obligation to testify in this case or prove her innocence. The burden rests with the government to prove that she is guilty beyond a reasonable doubt. If Ms. Shah chooses not to testify, would you consider that to be evidence of guilt?

10. Do any of you believe that the Constitution affords too many protections to criminal defendants?

11. Do any of you have a greater fear of letting a guilty person go than of convicting an innocent person?

12. Ms. Shah has no obligation to call any witnesses in her defense. If she chooses not to call any witnesses, would you consider that to be evidence of guilt?

13. Some government witnesses have admitted to being involved in the crime charged here. They will be testifying pursuant to cooperation agreements with the government. Do any of you believe that such a witness might have a motive to testify falsely? Would any of you assume that such a witness would necessarily tell the truth under oath?

14. Some of the government witnesses have pled guilty to committing crimes. Will you hold it against Ms. Shah that she associated with people who were committing crimes?

15. The government in this case has alleged that Ms. Shah participated in a fraud committed through telemarketing. Do any of you believe that telemarketing itself is a dishonest business? Would your opinions about telemarketing influence your view of the evidence in this case?

16. The government in this case alleges that the defendants targeted older people as part of their fraud. Have any of you felt that you or members of your family have been targeted for fraud because of your age?

17. Ms. Shah's family is from the island of Tonga and was converted to the Mormon religion by missionaries. Do any of you have negative opinions about Mormonism or those who convert to Mormonism?

18. You will hear evidence that when Ms. Shah married her husband, she converted to Islam, which is his religion. Do any of you have negative opinions or feelings about Muslims that would influence your view of Ms. Shah, her family, or the evidence in this case?

19. You will hear evidence that Ms. Shah appears as one of the housewives in the television show on Bravo called *The Real Housewives of Salt Lake City*. Have any of you seen any episode of *The Real Housewives of Salt Lake City* or part of any episode?

20. Does anyone in your household or family watch *The Real Housewives of Salt Lake City*?

21. Do you, or anyone in your household or family, belong to any fan group or on-line groups which discuss *The Real Housewives of Salt Lake City*?

22. Do you, or anyone in your household or family, follow any account related to *The Real Housewives of Salt Lake City* on any social media platform, such as Twitter, Instagram, etc.?

23. Have you read about Jen Shah and the show *The Real Housewives of Salt Lake City*? Did you know that Jen Shah was on the show *The Real Housewives of Salt Lake City*?

24. Are any of you fans of any of the Real Housewives shows? Would your opinion of the show and people who appear in the show influence how you view Jen Shah?

25. If you have never seen any of the Real Housewives shows, do you have preconceived ideas as to what kind of people appear on the show, and would those ideas influence how you saw the evidence in this case?

26. Do you believe that all Housewives who appear on the franchise are rich?

27. Do you believe that what you see on the show is, in fact, real?

28. Have any of you seen the ABC News special *The Housewife and the Shah Shocker*, which is streaming on the Hulu platform?

29. Were any of you in any way involved in the ABC News special?

30. Do any of you regularly read any of the following publications: Page Six, US Weekly, People Magazine, or the Daily Mail?

31. Do any of you have strong opinions about people that participate in reality television shows?

32. Do any of you think that what happens on reality television shows is actually real?

33. Would you automatically believe the opinion of an expert witness? Please explain.

34. Would any of you be more likely to believe an expert because he or she testifies for the government?

35. Would any of you be more likely to believe an expert because he or she testifies for the defense?

36. Are you worried about serving on a jury during the pandemic? Would you be able to be fair and concentrate on the evidence and your duties as jurors despite the constraints of the pandemic?

37. Would you hold it against Ms. Shah if this trial was impacted by COVID in any way?

38. If you become a juror in this case, can you promise not to watch *The Real Housewives of Salt Lake City*, the ABC Special about Ms. Shah, or any other media (online or otherwise) about Ms. Shah while the trial is pending?

39. Are you comfortable being part of a trial which will likely get a lot of media attention? Will you hold it against Ms. Shah if reporters outside the courthouse attempt to speak with you or contact you?

Dated: February 15, 2022
New York, NY

Respectfully submitted,

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